

thority upon the question, it seems very clear, that the effect of the injunction must be much more extensive than is conceded to it by the complainant's solicitor.

The object of an injunction to stay proceedings at law, either before or after judgment, is to prevent the party against whom it issues, from availing himself of an unfair advantage, resulting from accident, mistake, fraud, or otherwise, and which would therefore, be against conscience. In such cases the court will interfere, and restrain him from using the advantage which he has improperly gained—and, as Mr. Justice Story says, "if any such unfair advantage has been already obtained, by proceeding to judgment, the court will in like manner control the judgment, and restore the injured party to his original rights." The judgment, then, is not only to be controlled, but the party against whom it was unfairly obtained is to be restored to his original rights, which can only be done by depriving his adversary of every advantage which the judgment thus improperly obtained gives him, and cannot be limited merely to restraining him from proceeding upon it at law. 2 *Story's Equity*, secs. 885, 886, 887.

Besides, it would, indeed, be singular, if a court of equity should interfere by injunction, to prevent a party from obtaining at law, the fruits of a judgment unconscientiously obtained, and should at the same time permit that same party, by a proceeding in equity, to get the benefit of the condemned judgment. Suppose, for example, in this case, the Court of Chancery upon the injunction bill, or the Court of Appeals upon appeal to that tribunal, should ultimately decide that the judgment obtained by Little against Price was obtained under circumstances which would render it inequitable in him to enforce, and upon that ground, should decree a perpetual injunction; would it not be strange, if the same court upon the application of the plaintiff in the judgment, to give him the advantage of it, should so decree. The court would be in one breath saying, this judgment was unfairly obtained, and its extraordinary power would be exerted to prevent the court in which it was rendered from enforcing it, and in the next, that the party who